

## ALSTON &amp; BIRD LLP

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October 17

A suggestion of settlement having been made, this case is dismissed, subject to restoration by either party within 30 days on notice. All pending court dates are cancelled. The Clerk is directed to close the case.

Karl Geercken

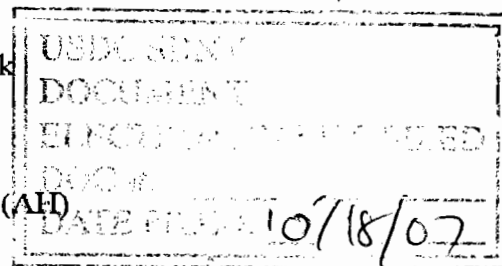
by 1/15/08

Alvin K. Hellerstein, U.S.D.J.

Date: 10/18/07

**VIA FACSIMILE (212) 805-7942**

The Honorable Judge Alvin K. Hellerstein  
United States District Court for the Southern District of New York  
500 Pearl Street, Room 1050  
New York, New York 10007

Re: Ross v. Utley, et al., No. 07 CIV 6119 (S.D.N.Y.) (AED)

Dear Judge Hellerstein:

On behalf of both parties, I am writing to request that your honor adjourn the Case Management and scheduling conference that is currently scheduled for October 19, 2007 at 9:30 a.m., and stay all proceedings in this matter until January 1, 2008.

Late today, the parties entered into an agreement that, in essence, provides a complete resolution of this matter. Pursuant to the parties' agreement, which is memorialized in the attached Stipulation and Consent for Entry of Order, shortly after December 31, 2007, plaintiff will either execute a Stipulation of Dismissal or enter a judgment against the defendants.

In the past, defendants had requested two extensions of its deadline to answer, move or otherwise respond to the Summons and Complaint, both of which were consented to by plaintiff and granted by your honor.

With the exception of the Case Management conference referred to above, there are no other conferences or other dates scheduled in this matter.

Very truly yours,

Karl Geercken/WC

Karl Geercken  
Counsel for Defendants

Enclosure

cc: Mr. Mark Walfish (Counsel for Plaintiff) (via Facsimile)

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